

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Boards of Trustees of the Ohio	:	
Laborers' Fringe Benefit Plan,	:	
	:	Civil Action 2:13-cv-0417
Plaintiffs	:	
	:	Judge Watson
v.	:	
	:	Magistrate Judge Abel
J.A. Dempsey and Sons Excavating	:	
Co., Inc.,	:	
	:	
Defendant	:	

**ORDER**

Plaintiffs' July 16, 2013 Motion to Accelerate and Compel Discovery (doc. 6) is GRANTED. Defendant has failed to answer or otherwise appear in this action, and default has been entered. Plaintiffs seek to compel an audit of Defendant's payroll records. Production of the records and the testimony of J.A. Dempsey and Sons Excavating Co., Inc.'s officer is necessary to complete the audit and to permit Plaintiffs to seek any ultimate relief by way of a money judgment that may be appropriate. Under these circumstances, Plaintiffs have demonstrated good cause to accelerate the commencement of discovery pursuant to Civil Rule 26(d)(1), Fed. R. Civ. P., and to compel the Defendant to respond.

It is hereby ORDERED that Defendant J.A. Dempsey and Sons Excavating Co., Inc., through an authorized officer, appear for deposition on August 5, 2013 and produce the payroll documents requested in Plaintiffs' Notice of Deposition.

s/Mark R. Abel  
United States Magistrate Judge